



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

March 6, 2007

The Honorable Judith Spang, Chairman
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Re: HB 321, relative to river protection and restoration

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 321, which seeks to change the nomination requirements for designated rivers, membership requirements for the Rivers Management Advisory Committee (RMAC) and the Local River Management Advisory Committees (LRMACs), and makes other substantive changes to the Rivers Management and Protection Act (RSA 483). The Department of Environmental Services (DES) opposes this bill.

HB 321 would make approval by the legislative bodies of all municipalities through which the river flows mandatory prior to a river nomination. We believe that existing procedures provide adequate opportunity for local government and public input into the river nomination process for the DES Commissioner and Legislature to then consider in decision making. The Ammonoosuc River nomination, which this committee unanimously passed in February, is an excellent example of how this process works. At the public hearing, held in Littleton, but noticed throughout towns in the Ammonoosuc River watershed, testimony was received and was overwhelmingly in support of the nomination. Boards of Selectmen from all seven corridor communities, as well as several conservation commissions and planning boards, reviewed and publicly supported the nomination. As required by RSA 483, the Commissioner then evaluated the public input as well the other criteria for designation and provided a written recommendation to the Legislature for consideration, which the Legislature is now doing.

HB 321 would also require that river designation could not occur "unless it is included in a local master plan according to RSA 674:2 or a local water resources management and protection plan according to RSA 4-C:22." The bill essentially proposes to require something similar to local river designation by all communities in the river corridor prior to state designation. This reverses the existing process. In RSA 483:8-a, III (c), a duty assigned to the LRMACs is "to develop or assist in the development of local river corridor management plans under RSA 483:10. The local planning board...or the local governing board may adopt such plans pursuant to RSA 675:6 as an adjunct to the local master plan... No such plan shall have any regulatory effect unless implemented through properly adopted ordinances." Under this statute, the LRMACs serve an advisory role in the development of local river corridor management plans

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within designated river corridors to guide the development of local ordinances and plans. We believe that this process has worked well.

HB 321 would also significantly change the makeup of the RMAC by adding three members of the House of Representatives and three members of the Senate. The RMAC is appointed by the Governor and Council and is comprised of diverse members from the business, agriculture, municipal government, water supply, conservation, recreation, fish and game, and historical communities. While we do not object to legislative membership on this committee, historically, the current committee membership has provided both DES and the Legislature with constructive input on issues related to designated rivers because of the committee's diverse expertise. RMAC positions typically represent a consensus by these diverse interests for us to consider, as well as minority opinions, in the establishment of statewide policies for designated rivers.

HB 321 also proposes that LRMAC members be appointed by the committee members rather than the DES Commissioner, as is currently the case. DES believes that the current nomination and appointment process for LRMAC members works well. Currently, municipalities nominate representatives for LRMACs, the nominations are considered by the DES Commissioner and appointments are made as appropriate. DES tracks LRMAC membership and annually requests nominations from corridor communities. This process has resulted in a minimum of 75% of all designated river communities having representation on LRMACs, a very high percentage for a volunteer committee.

Thank you again for this opportunity to comment on this bill. Please feel free to call me at 271-3503, or Steve Couture at 271-8801, if you have any questions or need additional information.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michael Burack, Ass. H. Comm.", with a small "G" or "B" initial to the left.

Thomas S. Burack
Commissioner

cc: Representative Peyton B. Hinkle
Representative Sharon M. Carson
Representative Pamela V. Manney
Representative Ron J. Mack